

DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

60058

FILE: B-184852

DATE: October 17, 1975

MATTER OF: Kenneth R. Bland, Consultant

97818

DIGEST:

1. Since requirement that party be "interested" under Bid Protest Procedures (40 Fed. Reg. 17979 (1975)) serves to ensure party's diligent participation in protest process so as to sharpen issues and provide complete record on which correctness of challenged procurement may be decided, in determining whether protester satisfies "interested party" criterion consideration should be given to nature of issues raised and direct or indirect economic benefit or relief sought by protester.
2. Private consultant, who asserts presumed "right of any citizen" to lodge formal protest under Bid Protest Procedures and who does not represent any concern participating in questioned procurement, is not considered "interested party" since neither issue raised (alleged nonresponsiveness of low bid in challenged procurement) nor benefit sought (understanding of consultant's clients as to proper manner of submitting bids) is sufficient to make consultant interested party as that term is used in our Bid Protest Procedures.

On September 2, 1975, a protest was received from Kenneth R. Bland of Arlington, Virginia, who identified himself as a consultant. Our review of the protest was required, Mr. Bland said, so as to aid him in his "work of advising contractors and students as to the proper manner in which contract offers MUST be submitted * * *." Mr. Bland alleged that only one bidder, EHK Enterprises, Inc. (EHK), "provided, fully and completely, the germane and contractually substantive response" required by "IFB/RFP" FPHO-L-15609-A-8-29-75, issued by the General Services Administration (GSA). Notwithstanding this allegation, Mr. Bland assumed that GSA would not award to EHK since EHK was other than the lowest bidder under the solicitation.

It is our informal understanding that Mr. Bland does not represent EHK or any other concern participating in the procurement. Rather, Mr. Bland asserts the presumed "right of any citizen" to lodge a formal protest under our Bid Protest Procedures.

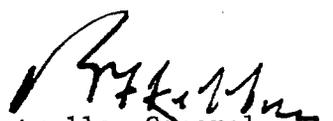
(40 Fed. Reg. 17979 (1975)). Section 20.1(a) of those procedures provides, however, that a party must be "interested" in order that its protest might be considered. The threshold question for decision, then, is whether Mr. Bland is an "interested party" so as to permit consideration of his protest under our procedures.

The requirement that a party be "interested" serves to ensure a party's diligent participation in the protest process so as to sharpen the issues and provide a complete record on which the correctness of a challenged procurement may be decided. A protester may well be viewed as possessing a sufficient interest in the award selection in question even though the protester may not or does not choose to bid on the procurement. For example, protests have been considered by this Office which were filed by a labor union, a contractor's association and a Chamber of Commerce. See District 2, Marine Engineers Beneficial Association-Associated Maritime Officers, AFL-CIO, B-181265, November 27, 1974, 74-2 CPD 298; B-177042, January 23, 1973; and 49 Comp. Gen. 9 (1969). We do not equate, however, as Mr. Bland seems to, the concept of "standing to sue" as developed by the courts with the concept of "interested party" as used in our procedures.

Generally, in determining whether a protester satisfies the interested party criterion, consideration should be given to the nature of the issues raised and the direct or indirect benefit or relief sought by the protester.

Having these factors in mind, it is our view that neither the nature of the issue raised nor the educational benefit sought by Mr. Bland is sufficient to make him an "interested party" within the meaning of that term as used in our Bid Protest Procedures, supra.

Thus, we will not consider the protest further.


Deputy Comptroller General
of the United States